

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Standish Allotment #01694
Oestman Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0066-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to change the allotment Category from “M” to “C” as well as transfer and issue a grazing permit for the Standish Allotment #01694 for the term of ten years (March 1, 2013 through February 28, 2023) to Ronnie R., April D., Steven D., and Lori A., Oestman. The grazing permit will be issued as follows:

GR #2503105

Allotment and number	Livestock Number	Kind	Grazing Begins	Grazing Ends	% Public Land	Type Use	AUMs
Standish Allotment #01694	4	Cattle	03/01	02/28	100	Custodial	55

Total Active AUMs: 55

Terms and Conditions:

Livestock will not be on the public land continuously for the entire season. Grazing use is authorized with normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMS.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301-7000
www.blm.gov/mt

In Reply Refer To:

4100(MTC021)
GR# 2503105

February 13, 2013

Certified Mail No: 70113500000345759822
Return Receipt Requested

Oestman, Ronnie R., April D., Steve D., Lori A.
25575 County Road 51
Wray, CO 80758

NOTICE OF PROPOSED DECISION

BACKGROUND

The Standish Allotment No. 01694 is located approximately 30 miles north of Forsyth, Montana in Rosebud County. The Standish Allotment No. 01694 consists of 320 acres of public domain containing 55 AUMs of active use and 6,382 acres of private land. The allotment was determined to be meeting the Standards and Guidelines for Rangeland Health in 1999.

In October of 2012, Ronnie R. Oestman, April D. Oestman, Steven D. Oestman and Lori A. Oestman submitted a warranty deed to the Miles City Field Office, which shows control of the base property described for the Standish Allotment No. 01694. The applicants also submitted Form 4130-1 (Grazing Application-Grazing Schedule), Form 4130-1a (Grazing Application-Preference Summary), and Form 4130-1b (Grazing Application-Supplemental Information).

In January of 2013 a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment to change the allotment Category from "M" to "C" as well as transfer and issue a grazing permit for the Standish Allotment No. 01694. The Finding of No Significant Impact (FONSI) for the Environmental Assessment was signed by the authorized officer on January 28, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to change the allotment Category from "M" to "C" and issue a grazing permit, which authorizes the grazing of the Standish Allotment No. 01694 to Ronnie R. Oestman, April D. Oestman, Steven D. Oestman, and Lori A. Oestman. The term of the grazing permit will be for ten years (March 1, 2013 through February 28, 2023). The grazing permit will be issued as follows:
GR # 2503105

Allotment Name and Number	Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
Standish Allotment 01694		4	C	3/01	2/28	100	Custodial	55

Total Active AUMs: 55

Terms and Conditions:

Livestock will not be on the public land continuously for the entire season. Grazing use is authorized with normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMs.

RATIONALE

The issuance of the grazing permit is provided through a warranty deed being submitted to the BLM. The deed contains the legal descriptions of the recognized base property for the Standish Allotment No. 01694 and was determined to be appropriate by the authorized officer.

Upon receiving all forms a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2012-0066-EA) to analyze changing the allotment Category from an "M" to "C" as well as the transfer and issuance of a grazing permit for the Standish Allotment No. 01694. The Finding of No Significant Impact (FONSI) Environmental Assessment was signed by the authorized officer on January 28, 2013.

The BLM determined that Ronnie R. Oestman, April D. Oestman, Steven D. Oestman, and Lori A. Oestman meet the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

AUTHORITY

The following sections of the Code of Federal Regulations, chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§4120.3-2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice (43 CFR 4160.3(a)).

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 (and 43 CFR 4.471), pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two (2) copies of your grazing permit. Please sign both copies and return them to the Miles City Field Office. Once signed by the Authorized Officer, you will be provided with a signed copy for your records.

Also enclosed is copy of your BLM allotment map. Please review the enclosed map and notify this office of any inaccuracies. Please mark fence line locations and return the edited map to this office.

If you have any questions on this document or would like to discuss your allotment map, please contact Josh Halpin, Rangeland Management Specialist at 406-233-3168.

Sincerely,



Todd D. Yeager
Field Manager
Bureau of Land Management; Miles City Field Office

Enclosed:
BLM Allotment Map
BLM Grazing Permit (2 copies)
(Please sign and return to the Miles City Field Office)

Halpin:lrn:2/5/13:Oestman_Decision_Letter_Halpin_2013